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10/067,036	02/04/2002	Seema Kataria	SNY-P4233	4981
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MILLER PATENT SERVICES 2500 DOCKERY LANE RALEIGH, NC 27606			EXAMINER NGUYEN BA, HOANG VU A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/067,036	Applicant(s) KATARIA, SEEMA	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/4/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed February 4, 2002.
2. Claims 1-36 have been examined. Claims 1, 14, 15, 22, 23 and 26 are independent claims.

Priority

3. The priority date considered for this application is February 4, 2002.

Oath/Declaration

4. The Office acknowledges receipt of a properly signed oath/declaration filed April 3, 2002.

Information Disclosure Statement

5. The Office acknowledges receipt of the Information Disclosure Statement filed April 2, 2002. It has been placed in the application file and the information referred to therein has been considered.

Drawings

6. The drawings filed April 2, 2002 are accepted by the examiner.

Specification

7. The specification is objected to because of the following informality: at ¶ [0019], the terms “ussing” and “viedo” are mis-typed.

Claim Objection

8. Claims 11, 15, 23, 27, 29 and 35 are objected to because of the following informalities:

Claim 11: Claim 11 recites the limitation “the digital bitmap images” at line 2; this limitation appears to lack proper antecedent basis because parent Claim 1 merely recites a digital bitmap image.

Claim 15: Claim 15 recites the limitation “the digital images” at line 12 after “sending.” This limitation lacks proper antecedent basis.

Claim 23: Claim 23 recites the limitation “the digital images” at line 11 after “sending.” This limitation lacks proper antecedent basis.

Claim 27: Claim 27 recites the limitation “the analog image.” This limitation lacks proper antecedent basis.

Claim 29: Claim 29 recites the limitation “the control message.” This limitation lacks proper antecedent basis.

Claim 35: Claim 35 recites the limitation “the analog image” This limitation lacks proper antecedent basis.

Claim Rejections – 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-36 are rejected under 35 U.S.C. § 102(b) as being anticipated by Draft EIA-775A, DTV 1394 Interface Specification (“775A-1394 Interface”).

Claim 1

775A-1394 Interface discloses a method of *transmitting images from a producer device to a consumer device, comprising at the producer device:*

determining that a digital bitmap image is larger in size than a threshold (see at least p. 13, sections 3.2.1 and 3.3., e.g., the application running on the A/V Source will determine the means (e.g., analog or digital) for delivery of the OSD based on the delivery capability of the information returned from the DTV);

converting the digital bitmap image to an analog image (see at least FIG. 3, the conversion is performed by the “D/A converter”); and

sending the analog image to the consumer device (see at least FIG. 3, e.g., flow of data from the “Overlay” device to the “Compositor/Format Conversion” via the “Analog A/V” channel).

Claim 14

Claim 14 is an independent claim that recites *an electronic storage medium which, when executed on a programmed processor, carry out the method steps of Claim 1.* Therefore, Claim 14 is also rejected for the same reasons set forth in Claim 1.

Claim 15

775A-1394 Interface discloses *a method of transmitting images from a producer device to a consumer device, comprising at the producer device:*

determining if a digital bitmap image is larger in size than a threshold and if the digital bitmap image is larger is size than the threshold (see at least p. 13, sections 3.2.1 and 3.3., e.g., the application running on the A/V Source will determine

the means (e.g., analog or digital) for delivery of the OSD based on the delivery capability of the information returned from the DTV):

converting the digital bitmap image to an analog image (see at least FIG. 3, the conversion is performed by the “D/A converter”);

sending a control message as an audio video control (AVC) command to the consumer device to switch from a digital input to an analog input to receive the analog image (see at least p. 5, e.g., “control the selection of different sources to the display device; section 4.11; section 9.3;

sending the analog image to the consumer device as an overlay on an analog television signal (see at least FIG. 3, e.g., the data flow from the D/A converter to the “Compositor/Format Conversion” via the “Overlay” device and the “Analog A/V” channel); and

if the digital bitmap image is not larger is size than the threshold sending the digital images using ELA775A protocol over an IEEE 1394 digital connection (see at least p. 14, section 3.2.2.2 OSD Transmission; diction 5)

Claim 22

Claim 22 is an independent claim that recites *an electronic storage medium storing instructions which, when executed on a programmed processor, carry out the method of Claim 15.* Therefore, Claim 22 is rejected for the same reasons set forth in Claim 15.

Claim 23

Claim 23 is an independent claim that recites a method of *transmitting images from a television set-top box to a digital television, comprising at the set-top box* (see at least p. 5; section 2.1, 1st ¶; p. 62, sections A.1.B & A.1.C) the same method steps of Claim 15. Therefore, Claim 23 is rejected for the same reasons as set forth in Claim 15.

Claim 26

775A-1394 Interface discloses *a producer device* (see at least FIG. 3, the “A/V Source”) comprising:

means for receiving digital content containing a bitmap image (see at least FIG. 3, “Resident or Downloaded Application” and “OSD Generator”);

means for determining a size of the bitmap image (see at least FIG. 3, “Resident or Downloaded Application” and “OSD Generator”);

means for converting the bitmap image to an analog representation in the event the size of the bitmap image exceeds a threshold (see at least FIG. 3, the “D/A” converter);

a digital output circuit for sending digital information to a consumer device (see at least FIG. 3, data flow output from the “OSD Generator” on the producer device -- “A/V Source -- to the “Image Buffer & Control” on the consumer device -- DTV Receiver -- via the “1394” bus); *and*

an analog output circuit for sending the analog representation to the consumer device (see at least FIG. 3, outputs from the “Analog A/V Source” and “Overlay” on the producer device -- A/V Source -- to the consumer device -- DTV Receiver -- via the “Analog A/V” channel).

Claims 2 and 27

Rejections of base claims 1 and 26, respectively, are incorporated. 775A-1394 Interface further discloses *sending a control message to the consumer device to switch from a digital input to an analog input to receive the analog image* (see at least p. 49, 2nd & 3rd ¶¶s).

Claims 3 and 16

Rejections of base claims 1 and 15, respectively, are incorporated. 775A-1394 Interface further discloses *sending a control message to the consumer device to switch from the analog input back to the digital input to receive digital images after the analog image has been sent* (see at least sections 3.3; 4.11; 5, e.g., – introduction--; 5.10.3; 6.1-2; 9, e.g., 9.3.4).

Claims 4 and 28

Rejections of base claims 1 and 26, respectively, are incorporated. 775A-1394 Interface further discloses *wherein the digital input comprises an IEEE 1394 digital input* (see at least section 1, e.g., Introduction & FIG. 3, e.g., Input to Image Buffer & Control, DTV CPU & Application, SDTV & HDTV MPEG Decode).

Claims 5, 6 and 29

Rejections of base claims 1 and 26, respectively, are incorporated. 775A-1394 Interface further discloses *wherein the control message comprises an audio video control (AVC) command* (see at least sections 5.9-10; 6).

Claims 7 and 17

Rejections of base claims 1 and 15, respectively, are incorporated. 775A-1394 Interface further discloses *wherein the digital bitmap image comprises a graphical user interface (GUI) image* (see at least section 3.2).

Claims 8 and 18

Rejections of base claims 1 and 15, respectively, are incorporated. 775A-1394 Interface further discloses *wherein the digital bitmap image comprises a television program guide image* (see at least section 3.2; p. 33, 4th ¶).

Claims 9, 19 and 31

Rejections of base claims 1, 15 and 26, respectively, are incorporated. 775A-1394 Interface further discloses *wherein the consumer device comprises a digital television* (see at least FIG. 3, e.g., DTV receiver).

Claims 10, 20 and 32

Rejections of base claims 1, 15 and 26, respectively, are incorporated. 775A-1394 Interface further discloses *wherein the producer device comprises a television set-top box* (see at least p. 6, 1st ¶).

Claims 11 and 33

Rejections of base claims 1 and 26, respectively, are incorporated. 775A-1394 Interface further discloses *sending digital bitmap images to a digital input in the consumer device when the digital bitmap images are smaller than the threshold* (see at least section 3.2.2.2).

Claims 12 and 34

Rejections of base claims 1 and 26, respectively, are incorporated. 775A-1394 Interface further discloses *wherein the digital images are sent using EIA775a protocol over an IEEE 1394 digital connection* (see at least Title of the reference, i.e., Draft EIA-775A, DTV 1394 Interface Specification).

Claims 13, 21, 25 and 35

Rejections of base claims 1, 15, 23 and 26, respectively, are incorporated. 775A-1394 Interface further discloses *wherein the analog image is sent as one of an NTSC*

and PAL format analog image (see at least FIG. 1; FIG. 3, e.g., Analog A/V; section 3.2.1).

Claims 24 and 30

Rejections of base claims 23 and 26, respectively, are incorporated. These claims recite the same limitations of the combined Claim 17 and 18. Therefore Claims 24 and 30 are also rejected for the same reasons set forth in these claims.

Claim 36

The rejection of base claim 26 is incorporated. 775A-1394 Interface further discloses *wherein the means for determining the size comprises a programmed processor* (see at least FIG. 3, device OSD Generator).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:05 am to 5:35 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this

application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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